IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.7454 OF 2006

WITH

CIVIL APPLICATION (STAMP) NO.7455 OF 2006

Smt.Jayshree Ravji Khandekar ...Appellant

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr.S.P.Kanuga i/b Mr.Sahil L.Kanuga for Appellant.

Mr.A.R.Patil, A.G.P. for Respondents 1 to 3.

Mr.Mukesh Aiya for Respondent No.4.

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CORAM: A.M.KHANWILKAR, J.

MARCH 29, 2006.

P.C.

1. Not on Board. Upon mentioning, taken on Board.

2. Heard Counsel for the parties.

3. This Appeal is directed against the order passed by the lower Court refusing to grant

ad-interim relief. The impugned order was passed on 17th March 2006. It is brought to my notice that as no interim protection was available to the Appellant, the Authority has cancelled the allotment in favour of the Appellant and now instead granted license to run license shop to the Respondent No.4 who has in turn paid the necessary amount and has taken over the ration shop as is evident from the challan acknowledgement produced before me dated 21st March 2006.

4. In the circumstances, ad-interim relief claimed, having worked out, the Appeal is being disposed of on the following directions :

> The Trial Court shall decide the Notice of Motion on its own merits in accordance with law to be finally disposed of preferably before 1st week of May 2006. Parties through their Counsel assure to complete the pleadings on or before 13th April 2006 to facilitate the Trial Court to finally dispose of the Notice of Motion before 1st week of May 2006.

It will be open to the Appellant to take out necessary application for further reliefs as may be advised, which application will be heard and decided along with the pending Notice of Motion on which appropriate orders be passed in accordance with law. All questions in those proceedings are left open.

5. Appeal as well as Civil Application disposed of on the above terms.

A.M.KHANWILKAR, J.